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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,502	06/14/2001	Eric J. Horvitz	MS150900.12/MSFTP223USC	7769
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TUROCY & WATSON, LLP 127 Public Square 57th Floor, Key Tower CLEVELAND, OH 44114			EXAMINER KE, PENG	
			ART UNIT 2174	PAPER NUMBER
			NOTIFICATION DATE 04/30/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 09/881,502	<b>Applicant(s)</b> HORVITZ, ERIC J.	
	<b>Examiner</b> SIMON KE	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,13,15,16,19,20 and 55-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,13,15,16,19,20 and 55-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is responsive to communications: Amendment, filed on 2/6/09.

Claims 1, 3-7, 13, 15, 16, 19, 20, and 55-62 are pending in this application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-7, 16, 19, 20, 55-58, and 61-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan US Patent 6,301,609 in view of Stimmel US Patent 6,678,719.

As per claim 1, Aravamudan teaches a notification system, comprising:

A monitor that monitors a state of device, the monitor derives a context of a user from the state of the device and based on at least in part on the context the monitor infer a likely available state user; and (see Aravamudan, fig. 8, col. 8, lines 30-col. 9, lines 45, fig. 6, col. 7, line 40-line 70); and

a bounding system that classifies a notification to the entity according to a predefined protocol and the likely available states, the bounding system facilitating deferral of the notification based at least in part on the notification classification. (see col. 2, lines 25-49. col. 5, lines 53--col. 6, line 12, and col. 6, line 64col. 7, line 20)

However, Aravamudan fails to teach

the bounding system establishes a group of notification associated with disparate likely available states and forwards the group of notification associated with the disparate likely available states to the entity based on an occurrence of a highest likely state affiliated with a least one notification included in the group of notifications, content of the at least one notification included in the group of notification is presented to the entity in its entirety, content of notifications associated with lesser likely states included in the group of notification is displayed for the entity as a summary.

Stimmel (US Patent 6,678,719) teaches the bounding system establishes a group of notification associated with disparate likely available states and forwards the group of notification associated with the disparate likely available states to the entity based on an occurrence of a highest likely state affiliated with a least one notification included in the group of notifications, content of the at least one notification included in the group of notification is presented to the entity in its entirety, content of notifications associated with lesser likely states included in the group of notification is displayed for the entity as a summary. (see Stimmel, col. 3, lines 50-col. 4, lines 15)

It would have been obvious to an artisan at the time of the invention to include Stimmel's teaching with method of Aravamudan in order provide each connected user with the instant ability to achieve contact including effective face to face contact and tools that provide the instant feedback expected in communication.

As per claim 3, Aravamudan and Stimmel teach the system of claim 1.  
Aravamudan further teaches wherein the predefined priority is assigned based upon the happening of a condition (col. 7, line 49col. 8, line 31).

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As per claim 4, Aravamudan and Stimmel teach the system of claim 3.

Aravamudan further teaches further comprising a subscription user interface to enable users to configure attributes of a notification, wherein the bounding system that classifies a notification with a predefined priority, classifies the notification with predefined priority based on at least in part on the attributes of the notification (col. 6, lines 45-63 and col. 9, line 64-col. 10, line 51; it is inherent that a user interface is presented to the user because the user is allowed to configure attributes of a notification).

As per claim 5, Aravamudan and Stimmel teach the system of claim 4.

Aravamudan further teaches wherein the attributes are defined in a notification schema (see col. 6, lines 12-31).

As per claim 6, Aravamudan and Stimmel teach the system of claim 5.

Aravamudan further teaches the notification schema further comprising at least one of a notification class, a source, a source assigned priority, a sender, a target, one or more content components, a relevant context, or advanced attributes (See col. 6, lines 12-31).

As per claim 7, Aravamudan and Stimmel teach the system of claim 5.

Aravamudan further teaches further comprising a preferences profile for assigning priority based upon settings in the notification schema (see col. 6, lines 12-31).

As per claim 16, Aravamudan and Stimmel teach the system of claim 1.

Aravamudan further teaches further comprising a notification agent that directs notifications from one or more sources to one or more notification sinks based at least in part on the predefined protocol and the likely available states (see col. 5, line 52-col. 6, line 31).

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As per claim 19, Aravamudan and Stimmel teach the system of claim 1. Aravamudan further teaches further comprising a max deferral setting that is associated with a notification priority to enable at least one of a delivery of the notification at a time-out of the max deferral, and deferral of the notification to the likely available free state (see col. 7, line 49-col. 8, line 31).

As per claim 20, Aravamudan and Stimmel teach the system of claim 19. Aravamudan further teaches further comprising a setting to enable designated notifications to at least one of be passed-through, and restricted during designated periods (see col. 5, line 52-col. 6, line 31).

As per claim 55, it is rejected under the same rationale as claim 1. Supra.

As per claim 56, Aravamudan and Stimmel teach the method of claim 55. Aravamudan further teaches wherein classifying the first notification includes classifying the first notification based at least in part on a source of the first notification, a source assigned priority of the first notification, one or more content component of the first notification, of a relevant content of the first priority. (see Aravamudan, col. 2, lines 25-50)

As per claim 57, which is depended on the method of claim 56, it is rejected under the same rationale as claim 4. Supra.

As per claim 58, Aravamudan and Stimmel teach the system of claim 55. Aravamudan further teaches wherein monitoring a state of a device includes monitoring at least one of a calendar, or a time of day, a device activity, or a user location. (see col. 7, line 49-col. 8, line 31).

As per claim 61, Aravamudan and Stimmel teach the method of claim 55. Aravamudan further teaches the method comprising displaying to the user a list of possible states of the device that could be monitored, the list including a length of pauses in typing, actions in an application, and a length of pauses after actions in an application. (see Aravamudan, col. 7, lines 55-70; Monitoring activity on a keyboard is the same as monitoring pauses in typing)

As per claim 62, Aravamudan and Stimmel teach the method of claim 61. Aravamudan further teaches comprising receiving from the user a context associated with selected possible states of the device that could be monitored. (see Aravamudan, col. 7, lines 55-70; Monitoring activity on a keyboard is the same as monitoring pauses in typing)

Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan US Patent 6,301,609 in view of Stimmel US Patent 6,678,719 further in view Godeforid US Patent 6,697,840.

As per claim 13, Aravamudan and Stimmel teach the system of claim 1. However, they fail to teaches wherein the monitor derives context from at least one of a calendar, or a time of day.

Godefroid 6,697,840 teaches wherein the monitor derives context from at least one of a calendar, or a time of day. (see Godefroid, col. 3, line 5-20)

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It would have been obvious to an artisan at the time of the invention to include Godefroid's teaching with method of Aravamudan and Stimmel in order for users to coordinate their schedules.

As per claim 15, Aravamudan and Stimmel teach the system of claim 1. Aravamudan fails to teach teaches wherein the context includes at least one of an office setting, an environment setting, an activity setting, or a driving setting.

Godefroid teaches wherein the context includes at least one of an office setting, an environment setting, an activity setting, or a driving setting. (see Godefroid, col. 5, lines 1-30)

It would have been obvious to an artisan at the time of the invention to include Godefroid's teaching with method of Aravamudan and Stimmel in order for users to coordinate their schedules.

Claims 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan US Patent 6,301,609 in view of Stimmel US Patent 6,678,719 further in view Massie US Patent 7,162,238.

As per claim 59, Aravamudan and Stimmel teach the method of claim 55. They fail to teach wherein determining that the second notification should be forwarded to the user includes determining an age of the second notification as exceeding a second max deferral setting that is associated with the second classification.

Massie teaches wherein a event is determined based on the age of the second notification as exceeding a second max deferral setting that is associated with the second classification. (see Massie, col. 25, lines 1-26)



It would have been obvious to an artisan at the time of the invention to include Massie's 7,162,238 teaching with method of Aravamudan and Stimmel in order for users to coordinate their schedules.

As per claim 60, Aravamudan, Stimmel, and Massie teach the method of claim 59. They further teaches wherein presenting a content of the first notification as a summary is based at least in part on the first classification and a determination that an age of the first notification does not exceed a first max deferral setting that is associated with the first classification, the first max deferral setting being longer than the second max deferral setting. (see Massie, col. 25, lines 1-26)

### ***Response to Arguments***

Applicant's arguments filed 2/6/09 have been fully considered but they are not persuasive.

Applicant's argument focused on the following:

Whether Aravamudan teach or suggest a monitor that monitors a state of a device, the monitor derives a context of a user from the state of the device and based at least in part on the context the monitor infers a likely available state of the user?

Aravamudan teaches limitation because it monitors the state of the device such as, keyboard, or a motion detector, to render the availability of the user. (see Aravamudan, col. 7, lines 40-60)

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIMON KE whose telephone number is (571)272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peng Ke  
/Peng Ke/  
Primary Examiner, Art Unit 2174